

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RACHEL LEE MILLER

Plaintiff,

v.

UNIVERSITY OF TENNESSEE AT
CHATTANOOGA, STATE OF
TENNESSEE, DR. ROGER BROWN,
DR. FREDERICK W. OBEAR, DR.
HERBERT BURHENN, DR. JOHN R.
GRAEF, and DAVID J. ASHE,

Defendants.

No. 1:05-CV-119

Judge Curtis L. Collier

ORDER

Pro se Plaintiff Rachel Lee Miller (“Plaintiff”) filed suit against Defendants University of Tennessee at Chattanooga, State of Tennessee, Dr. Roger Brown, Dr. Frederick W. Obear, Dr. Herbert Burhenn, Dr. John R. Graef, and David J. Ashe (“Defendants”) on April 26, 2005 (Court File No. 1). On November 21, 2005 the Court ordered Plaintiff to show cause within ten days why this action should not be dismissed pursuant to Fed. R. Civ. P. 4(m) (Court File No. 2). Plaintiff did not respond to the Court’s order. Rule 4(m) provides a plaintiff 120 days after filing a complaint to serve the defendant(s). If service is not accomplished within the 120 day period, the Court has the authority to dismiss any claims made against the unserved defendant(s), after notice to the plaintiff, without prejudice. Fed. R. Civ. P. 4(m). Since notice has been given to Plaintiff and Defendants have not been served for almost eight months, the Court **DIMISSES** the complaint (Court File No. 1) **WITHOUT PREJUDICE** and **ORDERS** the **CLERK** to **CLOSE** this case.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE